

Senate Torture Report: the Senate Speaks



Introduction

On December 9, 2014, the Senate Intelligence Committee published a report severely criticizing CIA interrogation practices as brutal and ineffective. The committee released to the public a redacted version of the report's executive summary—nearly 500 pages long—the culmination of seven years' work. It includes the views of the majority of committee members, an additional statement by Senator Jay Rockefeller, and the views of dissenting committee members. The full report is classified and runs nearly 6,700 pages.

In announcing the release of the report, several senators, including the Intelligence Committee Chair, gave speeches on the Senate floor explaining their views and findings. These speeches are a helpful, succinct introduction to what is now being called the Torture Report. Their remarks, with only minor edits and captions, are below.

We conclude with remarks made on December 10th by departing Senator Mark Udall, in which he calls for the resignation of the CIA Director and discusses flaws in congressional oversight.

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Senator Harry Reid

Mr. President, today for the first time the American people are going to learn the full truth about torture that took place under the CIA during the Bush administration. I have served for 22 years with the chairman of the Intelligence Committee, *Dianne Feinstein*. She is dignified. She is very thorough in whatever she does. She is intelligent and she cares a great deal. She has proven herself to be the one of the most thoughtful and hard-working Members of this body. The people of California are, as well they should be, very proud of this good woman.



Senator Harry Reid (D-NV) was elected to the United States Senate in 1986 and served as the Majority Leader from 2007 to 2015. He is an ex-officio member of the Senate Select Committee on Intelligence.

I am appreciative of the work the Senate Intelligence Committee has done under her direction. We are here today because of her efforts. She has persevered, overcome obstacles that have been significant, to make this study available to the American people.

I am gratified for the work done by Democrats on the Intelligence Committee. We are here today, again I repeat, because of their

efforts. We do not often mention, as certainly we should, the work of our staffs. I want to throw a big bouquet to the intelligence staff. They have worked so hard. Under the direction of Senator *Feinstein*, they have worked for 7 years--7 years--working on this vitally important matter. It is a report that was not easy, but they did it.

Here is what they did: Committee members and staff combed through more than 6 million pages--6 million pages--of documents to formulate the report. The full committee report is 6,700 pages long--7 years, I repeat, in the making.

The unclassified executive summary, which is going to be released today, is more than 500 pages. I want everyone to understand, the Select Committee on Intelligence, along with the House Committee on Intelligence, is the only group of people who provide oversight over our intelligence community. They actually have the ability to investigate what happened. No one else. Not the press, not Senators, nor the public, or outside organizations have the ability to investigate the CIA. But we did it. The implications of this report are profound. Not only is torture wrong, but it does not work. For people today, we hear them coming from different places saying, It was great. It was terrific what we did. It has got us so much.

It has got us nothing, except a bad name. Without this report, the American people would not know what actually took place

under the CIA's torture program. This critical report highlights the importance of Senate oversight and the role Congress must play in overseeing the executive branch of government. The only way our country can put this episode in the past is to come to terms with what happened and commit to ensuring it will never happen again. This is how we as Americans make our Nation stronger. When we realize there is a problem, we seek the evidence; we study it; we learn from it. Then we set about to enact change. Americans must learn from our mistakes. We learned about the Pentagon papers. They were helpful to us as a country. The Iran contra affair. I was here when it went on. It was hard on us, but it was important that we did this. More recently, what happened in that prison in Iraq, Abu-Ghraib.

We have three separate branches of government, the judicial, the executive, and the legislative branches of government. To me, this work done by the Intelligence Committee, of which the Presiding Officer is a member, cries out for our Constitution, three separate, equal branches of government.

We are here today to talk about the work done by the legislative branch of government. We can protect our national security as a country without resorting to methods like torture. They are contrary to the fundamental values of America. So I call upon the administration, the Intelligence Committee, and my colleagues in Congress to join me in that commitment, that what took place, the torture program, is not in keeping with our country.

Senator Dianne Feinstein

Today, a 500-page executive summary of the Senate Intelligence Committee's 5 1/2 year review of the CIA's detention and interrogation program, which was conducted between 2002 and 2009, is being released publicly. The executive summary, which is going out today, is backed by a 6,700-page classified and unredacted report with 38,000 footnotes which can be released, if necessary, at a later time.

The report released today examines the CIA's secret overseas detention of at least 119 individuals and the use of coercive interrogation techniques, in some cases amounting to torture.

Over the past couple of weeks, I have gone through a great deal of introspection about whether to delay the release of this report to a later time. This clearly is a period of turmoil and instability in many parts of the world. Unfortunately, that is going to continue for the foreseeable future whether or not this report is released.



Senator Dianne Feinstein (D-CA) was elected to the United States Senate in 1992 and served as Chair of the Select Committee on Intelligence from 2009 to 2015.

There are those who will seize upon the report and say ``See what the Americans did," and they will try to use it to justify evil actions or incite more violence. We can't prevent that, but history will judge us by our commitment to a just society governed by law and the willingness to face an ugly truth and say ``never again."

There may never be the right time to release this report. The instability we see today will not be resolved in months or years. But this report is too important to shelve indefinitely.

My determination to release it has also increased due to a campaign of mistaken statements and press articles launched against the report before anyone has had the chance to read it. As a matter of fact, the report is just now, as I speak, being released. This is what it looks like.

Senator *Chambliss* asked me if we could have the minority report bound with the majority report. For this draft that is not possible. In the filed draft it will be bound together. But this is what the summary of the 6,000 pages looks like.

My words give me no pleasure. I am releasing this report because I know there are thousands of employees at the CIA who do not condone what I will speak about this morning and who work day and night, long hours, within the law, for America's security in what is certainly a difficult world. My colleagues on the

Intelligence Committee and I are proud of them, just as everyone in this Chamber is, and we will always support them.

In reviewing the study in the past few days, with the decision looming over the public release, I was struck by a quote found on page 126 of the executive summary. It cites a former CIA inspector general, John Helgerson, who in 2005 wrote the following to the then-Director of the CIA, which clearly states the situation with respect to this report years later as well:

We have found that the Agency over the decades has continued to get itself in messes related to interrogation programs for one overriding reason: we do not document and learn from our experience--each generation of officers is left to improvise anew, with problematic results for our officers as individuals and for our Agency.

I believe that to be true. I agree with Mr. Helgerson. His comments are true today. But this must change.

Background and Importance of Public Access to Study

On March 11, 2009, the committee voted 14 to 1 to begin a review of the CIA's detention and interrogation program. Over the past 5 years a small team of committee investigators pored over the more than 6.3 million pages of CIA records the leader spoke about to complete this report or what we call the study. It shows

that the CIA's actions a decade ago are a stain on our values and on our history. The release of this 500-page summary cannot remove that stain, but it can and does say to our people and the world that America is big enough to admit when it is wrong and confident enough to learn from its mistakes. Releasing this report is an important step to restore our values and show the world that we are, in fact, a just and lawful society.

Over the next hour I wish to lay out for Senators and the American public the report's key findings and conclusions. I ask that when I complete this, Senator *McCain* be recognized. Before I get to the substance of the report, I wish to make a few comments about why it is so important that we make this study public.

All of us have vivid memories of that Tuesday morning when terrorists struck New York, Washington, DC, and Pennsylvania. Make no mistake--on September 11, 2001, war was declared on the United States. Terrorists struck our financial center, they struck our military center, and they tried to strike our political center and would have had brave and courageous passengers not brought down the plane. We still vividly remember the mix of outrage, deep despair, and sadness as we watched from Washington--smoke rising from the Pentagon, the passenger plane lying in a Pennsylvania field, and the sound of bodies striking canopies at ground level as innocents jumped to the

ground below from the World Trade Center. Mass terror that we often see abroad had struck us directly in our front yard, killing 3,000 innocent men, women, and children.

What happened? We came together as a nation with one singular mission: Bring those who committed these acts to justice. But it is at this point where the values of America come into play, where the rule of law and the fundamental principles of right and wrong become important.

In 1990 the Senate ratified the Convention against Torture. The convention makes clear that this ban against torture is absolute. It states:

No exceptional circumstances whatsoever--

Including what I just read--

whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

Nonetheless, it was argued that the need for information on possible additional terrorist plots after 9/11 made extraordinary interrogation techniques necessary.

Even if one were to set aside all of the moral arguments, our review was a meticulous and detailed examination of records. It

finds that coercive interrogation techniques did not produce the vital, otherwise unavailable intelligence the CIA has claimed.

I will go into further detail on this issue in a moment, but let me make clear that these comments are not a condemnation of the CIA as a whole. The CIA plays an incredibly important part in our Nation's security and has thousands of dedicated and talented employees.

What we have found is that a surprisingly few people were responsible for designing, carrying out, and managing this program. Two contractors developed and led the interrogations. There was little effective oversight. Analysts, on occasion, gave operational orders about interrogations, and CIA management of the program was weak and diffused.

Our final report was approved by a bipartisan vote of 9 to 6 in December of 2012 and exposes brutality in stark contrast to our values as a nation.

This effort was focused on the actions of the CIA from late 2001 to January of 2009. The report does include considerable detail on the CIA's interactions with the White House, the Departments of Justice, State, and Defense, and the Senate Intelligence Committee.

The review is based on contemporaneous records and documents during the time the program was in place and active. These documents are important because they aren't based on recollection, they aren't based on revision, and they aren't a rationalization a decade later. It is these documents, referenced repeatedly in thousands of footnotes, that provide the factual basis for the study's conclusions. The committee's majority staff reviewed more than 6.3 million pages of these documents provided by the CIA, as well as records from other departments and agencies. These records include finished intelligence assessments, CIA operational and intelligence cables, memoranda, emails, real-time chat sessions, inspector general reports, testimony before Congress, pictures, and other internal records.

It is true that we didn't conduct our own interviews, and I wish to state why that was the case. In 2009 there was an ongoing review by the Department of Justice Special Prosecutor, John Durham. On August 24, Attorney General Holder expanded that review. This occurred 6 months after our study had begun. Durham's original investigation of the CIA's destruction of interrogation videotapes was broadened to include possible criminal actions of CIA employees in the course of CIA detention and interrogation activities.

At the time, the committee's vice chairman, Kit Bond, withdrew the minority's participation in the study, citing the Attorney General's expanded investigation as the reason.

The Department of Justice refused to coordinate its investigation with the Intelligence Committee's review. As a result, possible interviewees could be subject to additional liability if they were interviewed, and the CIA, citing the Attorney General's investigation, would not instruct its employees to participate in interviews.

Notwithstanding, I am very confident of the factual accuracy and comprehensive nature of this report for three reasons:

No. 1, it is 6.3 million pages of documents reviewed, and they reveal records of actions as those actions took place, not through recollections more than a decade later.

No. 2, the CIA and CIA senior officers have taken the opportunity to explain their views on CIA detention and interrogation operations. They have done this in on-the-record statements in classified committee hearings, written testimony and answers to questions, and through the formal response to the committee in June 2013 after reading this study.

No. 3, the committee had access to and utilized an extensive set of reports of interviews conducted by the CIA inspector general and the CIA's oral history program.

So while we could not conduct new interviews of individuals, we did utilize transcripts or summaries of interviews of those directly engaged in detention and interrogation operations. These interviews occurred at the time the program was operational and covered the exact topics we would have asked about had we conducted interviews ourselves.

These interview reports and transcripts included but were not limited to the following: George Tenet, Director of the CIA when the Agency took custody and interrogated the majority of detainees; Jose Rodriguez, Director of the CIA's Counterterrorism Center, a key player in the program; CIA General Counsel Scott Mueller; CIA Deputy Director of Operations James Pavitt; CIA Acting General Counsel John Rizzo; CIA Deputy Director John McLaughlin; and a variety of interrogators, lawyers, medical personnel, senior counterterrorism analysts, and managers of the detention and interrogation program.

The best place to start on how we got into this situation--and I am delighted that the previous Chairman Senator *Rockefeller* is on the floor--is a little more than 8 years ago, on September 6, 2006, when the committee met to be briefed by then-Director Michael Hayden.

At that 2006 meeting the full committee learned for the first time--the first time--of the use of so-called enhanced interrogation techniques or EITs.

It was a short meeting, in part because President Bush was making a public speech later that day disclosing officially for the first time the existence of CIA black sites and announcing the transfer of 14 detainees from CIA custody to Guantanamo Bay, Cuba. It was the first time the interrogation program was explained to the full committee, as details had previously been limited to the chairman and vice chairman.

Then, on December 7, 2007, The New York Times reported that CIA personnel in 2005 had destroyed videotapes of the interrogation of two CIA detainees--the CIA's first detainee Abu Zubaydah, as well as Abd al-Rahim al-Nashiri. The committee had not been informed of the destruction of the tapes.

Days later, on December 11, 2007, the committee held a hearing on the destruction of the videotapes. Director Hayden, the primary witness, testified the CIA had concluded the destruction of videotapes was acceptable, in part because Congress had not yet requested to see them. My source is our committee's transcript of the hearing on December 11, 2007. Director Hayden stated that if the committee had asked for the videotapes, they would have been provided. But of course the committee had not known the videotapes existed.

We now know from CIA emails and records that the videotapes were destroyed shortly after CIA attorneys raised concerns that Congress might find out about the tapes.

In any case, at that same December 11 committee hearing, Director Hayden told the committee that CIA cables related to the interrogation sessions depicted in the videotapes were ``..... a more than adequate representation of the tapes and therefore, if you want them, we will give you access to them." That is a quote from our transcript of the December 11, 2007, hearing.

Senator *Rockefeller*, then-chairman of the committee, designated two members of the committee staff to review the cables describing the interrogation sessions of Abu Zubaydah and al-Nashiri. Senator Bond, then-vice chairman, similarly directed two of his staffers to review the cables. The designated staff members completed their review and compiled a summary of the content of the CIA cables by early 2009, by which time I had become chairman.

The description in the cables of CIA's interrogations and the treatment of detainees presented a starkly different picture from Director Hayden's testimony before the committee. They described brutal, around-the-clock interrogations, especially of Abu Zubaydah, in which multiple coercive techniques were used in combination and with substantial repetition. It was an ugly, visceral description.

The summary also indicated that Abu Zubaydah and al-Nashiri did not, as a result of the use of these so-called EITs, provide the kind of intelligence that led the CIA to stop terrorist plots or arrest additional suspects. As a result, I think it is fair to say the entire committee was concerned and it approved the scope of an investigation by a vote of 14 to 1, and the work began.

In my March 11, 2014, floor speech about the study, I described how in 2009 the committee came to an agreement with the new CIA Director, Leon Panetta, for access to documents and other records about the CIA's detention and interrogation program. I will not repeat that here. From 2009 to 2012, our staff conducted a massive and unprecedented review of CIA records. Draft sections of the report were produced by late 2011 and shared with the full committee. The final report was completed in December 2012 and approved by the committee by a bipartisan vote of 9 to 6.

After that vote, I sent the full report to the President and asked the administration to provide comments on it before it was released. Six months later, in June of 2013, the CIA responded. I directed then that if the CIA pointed out any error in our report, we would fix it, and we did fix one bullet point that did not impact our findings and conclusions. If the CIA came to a different conclusion than the report did, we would note that in the report and explain our reasons for disagreeing, if we disagreed. You will

see some of that documented in the footnotes of that executive summary as well as in the 6,000 pages.

In April 2014, the committee prepared an updated version of the full study and voted 12 to 3 to declassify and release the executive summary, findings and conclusions and minority and additional views.

On August 1, we received a declassified version from the executive branch. It was immediately apparent the redactions to our report prevented a clear and understandable reading of the study and prevented us from substantiating the findings and conclusions, so we obviously objected.

For the past 4 months, the committee and the CIA, the Director of National Intelligence, and the White House have engaged in a lengthy negotiation over the redactions to the report. We have been able to include some more information in the report today without sacrificing sources and methods or our national security.

I ask unanimous consent to have printed in the *Record* following my remarks a letter from the White House, dated yesterday, transmitting the unclassified parts of report, and it also points out that the executive summary is 93 percent complete and that the redactions amount to 7 percent.

Mr. President, this has been a long process. The work began 7 years ago when Senator *Rockefeller* directed committee staff to review the CIA cables describing the interrogation sessions of Abu Zubaydah and al-Nashiri. It has been very difficult, but I believe documentation and the findings and conclusions will make clear how this program was morally, legally, and administratively misguided and that this Nation should never again engage in these tactics.

Contents of the Study

Let me now turn to the contents of the study. As I noted, we have 20 findings and conclusions which fall into four general categories: First, the CIA's enhanced interrogation techniques were not an effective way to gather intelligence information; second, the CIA provided extensive amounts of inaccurate information about the operation of the program and its effectiveness to the White House, the Department of Justice, Congress, the CIA inspector general, the media, and the American public; third, the CIA's management of the program was inadequate and deeply flawed; and fourth, the CIA program was far more brutal than people were led to believe.

Effectiveness/Ineffectiveness of Interrogation Program

Let me describe each category in more detail. The first set of findings and conclusions concern the effectiveness or lack thereof

of the CIA interrogation program. The committee found that the CIA's coercive interrogation techniques were not an effective means of acquiring accurate intelligence or gaining detainee cooperation.

The CIA and other defenders of the program have repeatedly claimed the use of so-called interrogation techniques was necessary to get detainees to provide critical information and to bring detainees to a ``state of compliance," in which they would cooperate and provide information. The study concludes both claims are inaccurate.

The report is very specific in how it evaluates the CIA's claims on the effectiveness and necessity of its enhanced interrogation techniques. Specifically, we used the CIA's own definition of effectiveness as ratified and approved by the Department of Justice's Office of Legal Counsel. The CIA claimed that the EITs were necessary to obtain ``otherwise unavailable" information that could not be obtained from any other source to stop terrorist attacks and save American lives, that is a claim we conclude is inaccurate.

We took 20 examples that the CIA itself claimed to show the success of these interrogations. These include cases of terrorist plots stopped or terrorists captured. The CIA used these examples in presentations to the White House, in testimony to

Congress, in submissions to the Department of Justice, and ultimately to the American people.

Some of the claims are well known: the capture of Khalid Shaikh Mohammed, the prevention of attacks against the Library Tower in Los Angeles, and the takedown of Osama bin Laden. Other claims were made only in classified settings to the White House, Congress, and Department of Justice.

In each case, the CIA claimed that critical and unique information came from one or more detainees in its custody after they were subjected to the CIA's coercive techniques, and that information led to a specific counterterrorism success. Our staff reviewed every one of the 20 cases and not a single case holds up.

In every single one of these cases, at least one of the following was true: One, the intelligence community had information separate from the use of EITs that led to the terrorist disruption or capture; two, information from a detainee subjected to EITs played no role in the claimed disruption or capture; and three, the purported terrorist plot either did not exist or posed no real threat to Americans or U.S. interests.

Some critics have suggested the study concludes that no intelligence was ever provided from any detainee the CIA held. That is false and the study makes no such claim. What is true is

that actionable intelligence that was ``otherwise unavailable'' was not obtained using these coercive interrogation techniques.

The report also chronicles where the use of interrogation techniques that do not involve physical force were effective. Specifically, the report provides examples where interrogators had sufficient information to confront detainees with facts, know when they were lying and when they applied rapport-building techniques that were developed and honed by the U.S. military, the FBI, and more recently the interagency High-Value Detainee Interrogation Group, called the HIG, that these techniques produced good intelligence.

Let me make a couple of additional comments on the claimed effectiveness of CIA interrogations. At no time did the CIA's coercive interrogation techniques lead to the collection of intelligence on an imminent threat that many believe was the justification for the use of these techniques.

The committee never found an example of this hypothetical ticking timebomb scenario.

The use of coercive technique methods regularly resulted in fabricated information. Sometimes the CIA actually knew detainees were lying. Other times the CIA acted on false information, diverting resources and leading officers or contractors to falsely believe they were acquiring unique or

actionable intelligence and that its interrogations were working when they were not.

Internally, CIA officers often called into question the effectiveness of the CIA's interrogation techniques, noting how the techniques failed to elicit detainee cooperation or produce accurate information.

The report includes numerous examples of CIA officers questioning the agency's claims, but these contradictions were marginalized and not presented externally.

CIA Provided Inaccurate Information

The second set of findings and conclusions is that the CIA provided extensive inaccurate information about the program and its effectiveness to the White House, the Department of Justice, Congress, the CIA inspector general, the media, and the American public.

This conclusion is somewhat personal for me. I remember clearly when Director Hayden briefed the Intelligence Committee for the first time on the so-called EITs at that September 2006 committee meeting. He referred specifically to a "tummy slap," among other techniques, and presented the entire set of techniques as minimally harmful and applied in a highly clinical and professional manner. They were not.

The committee's report demonstrates that these techniques were physically very harmful, and that the constraints that existed on paper in Washington did not match the way techniques were used at CIA sites around the world.

Of particular note was the treatment of Abu Zubaydah over a span of 17 days in August 2002. This involved nonstop interrogation and abuse, 24/7, from August 4 to August 21, and included multiple forms of deprivation and physical assault. The description of this period, first written up by our staff in early 2009 while Senator *Rockefeller* was chairman, was what prompted this full review.

But the inaccurate and incomplete descriptions go far beyond that. The CIA provided inaccurate memoranda and explanations to the Department of Justice while its Office of Legal Counsel was considering the legality of the coercive techniques.

In those communications to the Department of Justice, the CIA claimed the following: The coercive techniques would not be used with excessive repetition; detainees would always have an opportunity to provide information prior to the use of the techniques; the techniques were to be used in progression, starting with the least aggressive and proceeding only if needed; medical personnel would make sure that interrogations wouldn't cause serious harm, and they could intervene at any time to stop interrogations; interrogators were carefully vetted and highly

trained, and each technique was to be used in a specific way without deviation, and only with specific approval for the interrogator and detainee involved.

None of these assurances, which the Department of Justice relied on to form its legal opinions, were consistently or even routinely carried out.

In many cases, important information was withheld from policymakers. For example, foreign intelligence committee chairman Bob Graham asked a number of questions after he was first briefed in September of 2002, but the CIA refused to answer him, effectively stonewalling him until he left the committee at the end of the year.

In another example, the CIA, in coordination with White House officials and staff, initially withheld information of the CIA's interrogation techniques from Secretary of State Colin Powell and Secretary of Defense Donald Rumsfeld. There are CIA records stating that Colin Powell wasn't told about the program at first because there were concerns that "Powell would blow his stack if he were briefed." Source: Email from John Rizzo dated July 31, 2003.

CIA records clearly indicate, and definitively, that after he was briefed on the CIA's first detainee, Abu Zubaydah, the CIA didn't

tell President Bush about the full nature of the EITs until April 2006. That is what the records indicate.

The CIA similarly withheld information or provided false information to the CIA inspector general during his conduct of a special review by the IG in 2004.

Incomplete and inaccurate information from the CIA was used in documents provided to the Department of Justice and as a basis for President Bush's speech on September 6, 2006, in which he publicly acknowledged the CIA program for the first time.

In all of these cases, other CIA officers acknowledged internally that information the CIA had provided was wrong.

The CIA also misled other CIA and White House officials. When Vice President Cheney's counsel David Addington asked CIA General Counsel Scott Muller in 2003 about the CIA's videotaping the waterboarding of detainees, Muller deliberately told him that videotapes ``were not being made," but did not disclose that videotapes of previous waterboarding sessions had been made and still existed. Source: E-mail from Scott Muller dated June 7, 2003.

There are many more examples in the committee's report. All are documented.

CIA Management Was Inadequate and Flawed

The third set of findings and conclusions notes the various ways in which CIA management of the Detention and Interrogation Program--from its inception to its formal termination in January of 2009--was inadequate and deeply flawed.

There is no doubt that the Detention and Interrogation Program was, by any measure, a major CIA undertaking. It raised significant legal and policy issues and involved significant resources and funding. It was not, however, managed as a significant CIA program. Instead, it had limited oversight and lacked formal direction and management.

For example, in the 6 months between being granted detention authority and taking custody of its first detainee, Abu Zubaydah, the CIA had not identified and prepared a suitable detention site. It had not researched effective interrogation techniques or developed a legal basis for the use of interrogation techniques outside of the rapport-building techniques that were official CIA policy until that time.

In fact, there is no indication the CIA reviewed its own history--that is just what Helgerson was saying in 2005--with coercive interrogation tactics. As the executive summary notes, the CIA had engaged in rough interrogations in the past.

In fact, the CIA had previously sent a letter to the Intelligence Committee in 1989--and here is the quote--that ``inhumane physical or psychological techniques are counterproductive because they do not produce intelligence and will probably result in false answers."

That was a letter from John Helgerson, CIA Director of Congressional Affairs, dated January 8, 1989.

However, in late 2001 and early 2002, rather than research interrogation practices and coordinate with other parts of the government with extensive expertise in detention and interrogation of terrorist suspects, the CIA engaged two contract psychologists who had never conducted interrogations themselves or ever operated detention facilities.

As the CIA captured or received custody of detainees through 2002, it maintained separate lines of management at headquarters for different detention facilities.

No individual or office was in charge of the Detention and Interrogation Program until January of 2003, by which point more than one-third of CIA detainees identified in our review had been detained and interrogated.

One clear example of flawed CIA management was the poorly managed detention facility referred to in our report by the code

name COBALT to hide the actual name of the facility. It began operations in September of 2002. The facility kept few formal records of the detainees housed there, and untrained CIA officers conducted frequent unauthorized and unsupervised interrogations using techniques that were not, and never became, part of the CIA's formal enhanced interrogation program.

The CIA placed a junior officer with no relevant experience in charge of the site. In November 2002, an otherwise healthy detainee--who was being held mostly nude and chained to a concrete floor--died at the facility from what is believed to have been hypothermia.

In interviews conducted in 2003 by the CIA Office of the Inspector General, CIA's leadership acknowledged that they had little or no awareness of operations at this specific CIA detention site, and some CIA senior officials believed, erroneously, that enhanced interrogation techniques were not used there.

The CIA, in its June 2013 response to the committee's report, agreed that there were management failures in the program, but asserted that they were corrected by early 2003. While the study found that management failures improved somewhat, we found they persisted until the end of the program.

Among the numerous management shortcomings identified in the report are the following: The CIA used poorly trained and nonvetted personnel.

Individuals were deployed--in particular, interrogators--without relevant training or experience. Due to the CIA's redactions to the report, there are limits to what I can say in this regard, but it is a clear fact that the CIA deployed officers who had histories of personnel, ethical, and professional problems of a serious nature. These included histories of violence and abusive treatment of others that should have called into question their employment with the U.S. Government, let alone their suitability to participate in a sensitive CIA covert action program.

The two contractors that CIA allowed to develop, operate, and assess its interrogation operations conducted numerous ``inherently governmental functions" that never should have been outsourced to contractors. These contractors, referred to in the report in special pseudonyms, SWIGERT and DUNBAR, developed the list of so-called enhanced interrogation techniques that the CIA employed.

They developed a list of so-called enhanced interrogation techniques that the CIA employed. They personally conducted interrogations of some of the CIA's most significant detainees, using the techniques including the waterboarding of Abu Zubaydah, Khalid Shaikh Mohammed, and al-Nashiri.

The contractors provided the official evaluations of whether detainees' psychological states allowed for the continued use of the enhanced techniques, even for some detainees they themselves were interrogating or had interrogated. Evaluating the psychological state of the very detainees they were interrogating is a clear conflict of interest and a violation of professional guidelines.

The CIA relied on these two contractors to evaluate the interrogation program they had devised and in which they had obvious financial interests. Again, it is a clear conflict of interest and an avoidance of responsibility by the CIA.

In 2005, the two contractors formed a company specifically for the purpose of expanding their work with the CIA. From 2005 to 2008, the CIA outsourced almost all aspects of its detention and interrogation program to this company as part of a contract valued at more than \$180 million. Ultimately, not all contract options were exercised. However, the CIA has paid these two contractors and their company more than \$80 million.

Of the 119 individuals found to have been detained by the CIA during the life of the program, the committee found that at least 26 were wrongfully held. These are cases where the CIA itself determined that it had not met the standard for detention set out in the 2001 Memorandum of Notification which governed the covert action. Detainees often remained in custody for months

after the CIA determined they should have been released. CIA records provide insufficient information to justify the detention of many other detainees.

Due to poor recordkeeping, a full accounting of how many specific detainees were held and how they were specifically treated while in custody may never be known. Similarly, in specific instances we found that enhanced interrogation techniques were used without authorization in a manner far different and more brutal than had been authorized by the Office of Legal Counsel and conducted by personnel not approved to use them on detainees.

Decisions about how and when to apply interrogation techniques were ad hoc and not proposed, evaluated, and approved in a manner described by the CIA in written descriptions and testimony about the program. Detainees were often subjected to harsh and brutal interrogation and treatment because CIA analysts believed, often in error, that they knew more information than what they had provided.

Sometimes CIA managers and interrogators in the field were uncomfortable with what they were being asked to do and recommended ending the abuse of a detainee. Repeatedly in such cases they were overruled by people at CIA headquarters who thought they knew better, such as by analysts with no line authority. This shows again how a relatively small number of CIA personnel--perhaps 40 to 50--were making decisions on

detention and interrogation despite the better judgments of other CIA officers.

CIA Interrogations of Detainees Were Brutal

The fourth and final set of findings and conclusions concerns how the interrogations of CIA detainees were absolutely brutal, far worse than the CIA represented them to policymakers and others.

Beginning with the first detainee, Abu Zubaydah, and continuing with others, the CIA applied its so-called enhanced interrogation techniques in combination and in near nonstop fashion for days and even weeks at a time on one detainee. In contrast to the CIA representations, the detainees were subjected to the most aggressive techniques immediately--stripped naked, diapered, physically struck, and put in various painful stress positions for long periods of time. They were deprived of sleep for days--in one case up to 180 hours; that is 7 1/2 days, over a week, with no sleep--usually in standing or in stress positions, at times with their hands tied together over their heads, chained to the ceiling.

In the COBALT facility I previously mentioned, interrogators and guards used what they called rough takedowns in which a detainee was grabbed from his cell, clothes cut off, hooded, and dragged up and down a dirt hallway while being slapped and punched.

The CIA led several detainees to believe they would never be allowed to leave CIA custody alive, suggesting to Abu Zubaydah that he would only leave in a coffin-shaped box. That is from a CIA cable on August 12, 2002.

According to another CIA cable, CIA officers also planned to cremate Zubaydah should he not survive his interrogation. Source: CIA cable, July 15, 2002.

After the news and photographs emerged from the U.S. military detention of Iraqis at Abu Ghraib, the Intelligence Committee held a hearing on the matter on May 12, 2004. Without disclosing any details of its own interrogation program, CIA Director John McLaughlin testified that CIA interrogations were nothing like what was depicted at Abu Ghraib, the U.S. prison in Iraq where detainees were abused by American personnel. This, of course, was false.

CIA detainees at one facility, described as a dungeon, were kept in complete darkness, constantly shackled in isolated cells with loud noise or music and only a bucket to use for human waste.

The U.S. Bureau of Prisons personnel went to that location in November 2002 and, according to a contemporaneous internal CIA email, told CIA officers they had never ``been in a facility where individuals are so sensory deprived." Source: CIA email, sender and recipient redacted, December 5, 2002.

Throughout the program, multiple CIA detainees subjected to interrogations exhibited psychological and behavioral issues including hallucinations, paranoia, insomnia, and attempts at self-harm and self-mutilation. Multiple CIA psychologists identified the lack of human contact experienced by the detainees as a cause of psychiatric problems.

The executive summary includes far more detail than I am going to provide here about things that were in these interrogation sessions, and the summary itself includes only a subset of the treatment of the 119 known CIA detainees. There is far more detail--all documented--in the full 6,700-page study. This briefly summarizes the committee's findings and conclusions.

Concluding Remarks

Before I wrap up, I wish to thank the people who made this undertaking possible. First, I thank Senator *Jay Rockefeller*. He started this project by directing his staff to review the operational cables that described the first recorded interrogations after we learned that the videotapes of those sessions had been destroyed. That report was what led to this multiyear investigation, and without it we wouldn't have had any sense of what happened.

I thank other Members of the Senate Intelligence Committee, one of whom is on the floor today, from the great State of New

Mexico. Others have been on the floor who voted to conduct this investigation and to approve its result and make the report public.

Most importantly, I want to thank the Intelligence Committee staff who performed this work. They are dedicated and committed public officials who sacrificed a significant portion of their lives to see this report through to its publication. They have worked days, nights, and weekends for years in some of the most difficult circumstances. It is no secret to anyone that the CIA does not want this report coming out, and I believe the Nation owes them a debt of gratitude. They are Dan Jones, who has led this review since 2007, and more than anyone else, today's report is a result of his effort. Evan Gottesman and Chad Tanner, the two other members of the study staff, each wrote thousands of pages of the full report and have dedicated themselves and much of their lives to this project. Alissa Starzak, who began this review as co-lead, contributed extensively until her departure from the committee in 2011.

Other key contributors to the drafting, editing, and review of the report were Jennifer Barrett, Nick Basciano, Mike Buchwald, Jim Catella, Eric Chapman, John Dickas, Lorenzo Goco, Andrew Grotto, Tressa Guenov, Clete Johnson, Michael Noblet, Michael Pevzner, Tommy Ross, Caroline Tess, and James Wolfe; and

finally, David Grannis, who has been a never-faltering staff director throughout this review.

This study is bigger than the actions of the CIA. It is really about American values and morals. It is about the Constitution, the Bill of Rights, our rule of law. These values exist regardless of the circumstances in which we find ourselves. They exist in peacetime and in wartime, and if we cast aside these values when convenient, we have failed to live by the very precepts that make our Nation a great one.

There is a reason why we carry the banner of a great and just nation. So we submit this study on behalf of the committee to the public in the belief that it will stand the test of time, and with it the report will carry the message: ``Never again."

Senator John McCain

Madam President, I wish to begin by expressing my appreciation and admiration to the personnel who serve in our intelligence agencies, including the CIA, who are out there every day defending our Nation.

I have read the executive summary and I also have been briefed on the entirety of this report. I rise in support of the release--the long-delayed release--of the Senate Intelligence Committee's summarized unclassified review of the so-called enhanced interrogation techniques that were employed by the previous administration to extract information from captured terrorists. It is a thorough and thoughtful study of practices that I believe not only failed their purpose to secure actionable intelligence to prevent further attacks on the United States and our allies, but actually damaged our security interests as well as our reputation as a force for good in the world.



Senator John McCain (R-AZ) was elected to the United States Senate in 1986 and ran for president in 2008. Notably, he was a prisoner of war in Vietnam from 1967-1973.

I believe the American people have a right--indeed a responsibility--to know what was done in their name, how these practices did or did not serve our interests, and how they comported with our most important values.

I commend Chairwoman *Feinstein* and her staff for their diligence in seeking a truthful accounting of policies I hope we will never resort to again. I thank them for persevering against persistent opposition from many members of the intelligence community, from officials in two administrations, and from some of our colleagues.

The truth is sometimes a hard pill to swallow. It sometimes causes us difficulties at home and abroad. It is sometimes used by our enemies in attempts to hurt us. But the American people are entitled to it nonetheless. They must know when the values that define our Nation are intentionally disregarded by our security policies, even those policies that are conducted in secret. They must be able to make informed judgments about whether those policies and the personnel who supported them were justified in compromising our values, whether they served a greater good, or whether, as I believe, they stained our national honor, did much harm, and little practical good.

What were the policies? What was their purpose? Did they achieve it? Did they make us safer, less safe, or did they make no difference? What did they gain us? What did they cost us?

What did they gain us? What did they cost us? The American people need the answers to these questions. Yes, some things must be kept from public disclosure to protect clandestine operations, sources, and methods, but not the answers to these questions. By providing them, the committee has empowered the American people to come to their own decisions about whether we should have employed such practices in the past and whether we should consider permitting them in the future.

This report strengthens self-government and ultimately, I believe, American security and stature in the world. I thank the committee for that valuable public service.

I have long believed some of these practices amounted to torture as a reasonable person would define it, especially but not only the practice of waterboarding, which is a mock execution and an exquisite form of torture. Its use was shameful and unnecessary, and, contrary to assertions made by some of its defenders and as the committee's report makes clear, it produced little useful intelligence to help us track down the perpetrators of 9/11 or prevent new attacks and atrocities.

I know from personal experience that the abuse of prisoners will produce more bad than good intelligence. I know victims of torture will offer intentionally misleading information if they think their captors will believe it. I know they will say whatever they think their torturers want them to say if they believe it will stop

their suffering. Most of all, I know the use of torture compromises that which most distinguishes us from our enemies--our belief that all people, even captured enemies, possess basic human rights which are protected by international conventions the United States not only joined but for the most part authored.

I know too that bad things happen in war. I know that in war good people can feel obliged for good reasons to do things they would normally object to and recoil from. I understand the reasons that governed the decision to resort to these interrogation methods, and I know that those who approved them and those who used them were dedicated to securing justice for victims of terrorist attacks and to protecting Americans from further harm. I know their responsibilities were grave and urgent and the strain of their duty was onerous. I respect their dedication, and I appreciate their dilemma. But I dispute wholeheartedly that it was right for them to use these methods which this report makes clear were neither in the best interests of justice, nor our security, nor the ideals we have sacrificed so much blood and treasure to defend.

The knowledge of torture's dubious efficacy and my moral objection to the abuse of prisoners motivated my sponsorship of the Detainee Treatment Act of 2005, which prohibits ``cruel, inhuman or degrading treatment'' of captured combatants,

whether they wear a nation's uniform or not, and which passed the Senate by a vote of 90 to 9.

Subsequently, I successfully offered amendments to the Military Commissions Act of 2006, which, among other things, prevented the attempt to weaken Common Article 3 of the Geneva Conventions and broadened definitions in the War Crimes Act to make the future use of waterboarding and other ``enhanced interrogation techniques'' punishable as war crimes.

There was considerable misinformation disseminated then about what was and wasn't achieved using these methods in an effort to discourage support for the legislation. There was a good amount of misinformation used in 2011 to credit the use of these methods with the death of Osama bin Laden. And there is, I fear, misinformation being used today to prevent the release of this report, disputing its findings and warning about the security consequences of their public disclosure.

Will the report's release cause outrage that leads to violence in some parts of the Muslim world? Yes, I suppose that is possible and perhaps likely. Sadly, violence needs little incentive in some quarters of the world today. But that doesn't mean we will be telling the world something it will be shocked to learn. The entire world already knows we waterboarded prisoners. It knows we subjected prisoners to various other types of degrading treatment. It knows we used black sites, secret prisons. Those

practices haven't been a secret for a decade. Terrorists might use the report's re-identification of the practices as an excuse to attack Americans, but they hardly need an excuse for that. That has been their life's calling for a while now.

What might come as a surprise not just to our enemies but to many Americans is how little these practices did aid our efforts to bring 9/11 culprits to justice and to find and prevent terrorist attacks today and tomorrow. That could be a real surprise since it contradicts the many assurances provided by intelligence officials on the record and in private that enhanced interrogation techniques were indispensable in the war against terrorism. And I suspect the objection of those same officials to the release of this report is really focused on that disclosure--torture's ineffectiveness--because we gave up much in the expectation that torture would make us safer--too much.

Obviously, we need intelligence to defeat our enemies, but we need reliable intelligence. Torture produces more misleading information than actionable intelligence. And what the advocates of harsh and cruel interrogation methods have never established is that we couldn't have gathered as good or more reliable intelligence from using humane methods.

The most important lead we got in the search for bin Laden came from using conventional interrogation methods. I think it is an insult to the many intelligence officers who have acquired good

intelligence without hurting or degrading prisoners to assert that we can't win these wars without such methods. Yes, we can, and we will.

But in the end torture's failure to serve its intended purpose isn't the main reason to oppose its use. I have often said and I will always maintain that this question isn't about our enemies; it is about us. It is about who we were, who we are, and who we aspire to be. It is about how we represent ourselves to the world.

We have made our way in this often dangerous and cruel world not by just strictly pursuing our geopolitical interests but by exemplifying our political values and influencing other nations to embrace them. When we fight to defend our security, we fight also for an idea--not for a tribe or a twisted interpretation of an ancient religion or for a King but for an idea that all men are endowed by the Creator with inalienable rights. How much safer the world would be if all nations believed the same. How much more dangerous it can become when we forget it ourselves, even momentarily.

Our enemies act without conscience. We must not. This executive summary of the committee's report makes clear that acting without conscience isn't necessary. It isn't even helpful in winning this strange and long war we are fighting. We should be grateful to have that truth affirmed.

Now, let us reassert the contrary proposition: that is it essential to our success in this war that we ask those who fight it for us to remember at all times that they are defending a sacred ideal of how nations should be governed and conduct their relations with others--even our enemies.

Those of us who give them this duty are obliged by history, by our Nation's highest ideals and the many terrible sacrifices made to protect them, by our respect for human dignity, to make clear we need not risk our national honor to prevail in this or any war. We need only remember in the worst of times, through the chaos and terror of war, when facing cruelty, suffering, and loss, that we are always Americans and different, stronger, and better than those who would destroy us.

Senator Jay Rockefeller

Madam President, I come to the floor to wholly support the comments of my colleagues, the Senator from California and the Senator from Arizona, to speak about a matter of great importance to me personally but more importantly to the country.

The Senate Intelligence Committee's entire study of the CIA's detention and interrogation program--I will just call it the program--is the most in-depth, the most substantive oversight initiative the committee has ever taken. I doubt any committee has done more than this. It presents extremely valuable insights into crucial oversight questions and problems that need to be addressed by the CIA.

Moreover, this study exemplifies why this committee was created in the first place following the findings of the Church Committee nearly 40 years ago, and I commend my friend and the



Senator Jay Rockefeller was elected to the Senate in 1984 and served as vice-chair of the Select Committee on Intelligence in the 108th Congress and chair in the 110th Congress.

committee's leader, the Senator from California, for shepherding this landmark initiative to this point. For years, often behind closed doors, without any recognition, she has been a strong and tireless advocate, and she deserves our thanks and recognition.

It is my hope and expectation that beyond the initial release of the executive summary and findings and conclusions, that the entire 6,800 pages, with 37,500 footnotes, will eventually be made public--and I am sure it will--with the appropriate redactions. Those public findings will be critical to fully learning the necessary lessons from this dark episode in our Nation's history and to ensure that it never happens again. It has been a very long, very hard fight to get to this point. Especially in the early years of the CIA's detention program, it was a struggle for the committee to get the most basic information or any information at all about the program.

The committee's study of the detention and interrogation program is not just the story of the brutal and ill-conceived program itself; this study is also the story of the breakdown in our system of governance that allowed the country to deviate in such a significant and horrific way from our core principles. One of the profound ways that breakdown happened was through the active subversion of meaningful congressional oversight--a theme mirrored in the Bush administration's warrantless wiretapping program during that same period.

I first learned about some aspects of the CIA's detention and interrogation program in 2003 when I became vice chair of the committee. At that point and for years after, the CIA refused to provide me or anybody else with any additional information about the program. They further refused to notify the full committee about the program's existence. My colleagues will remember there was always the Gang of 4, the Gang of 6, or the Gang of 8. They would take the chairman and vice chairman, take them to the White House, give them a flip chart, 45 minutes for the Vice President, and off he would go. Senator *Roberts* and I went down by car and were instructed we couldn't talk to each other on the way back from one of those meetings. It was absurd. They refused to do anything to be of assistance.

The briefings I received provided little or no insight into the CIA's program. Questions or followup requests were rejected, and at times I was not allowed to consult with my counsel. I am not a lawyer. There are legal matters involved here. They said we couldn't talk to any of our staff, legal counsel or not, or other members of the committee who knew nothing about this because they had not been informed at all.

It was clear these briefings were not meant to answer any questions but were intended only to provide cover for the administration and the CIA.

It was infuriating to me to realize I was part of a box checking exercise that the administration planned to use, and later did use, so they could disingenuously claim they had--in a phrase I will never be able to forget--` ` fully briefed Congress."

In the years that followed I fought and lost many battles to obtain credible information about the detention and interrogation program. As vice chair I tried to launch, as has been mentioned, a comprehensive investigation into the program, but that effort was blocked.

Later in 2005, when I fought for access to over 100 specific documents cited in the inspector general report, the CIA refused to cooperate.

The first time the full Senate Intelligence Committee was given any information about this detention program was September 2006. This was years after the program's inception and the same day the President informed the Nation.

The following year when I became chairman, the vice chairman, Kit Bond, and I agreed to push for significant additional access to the program. For heaven's sake, at least allow both the Senate Intelligence Committee and the House Intelligence Committee, on a full basis, to be informed about this and also to include our staff's counsel on these matters. We finally actually prevailed and got this access. I think I withheld something from them until they

agreed to do that which enabled us to have much-needed hearings on the program, which we proceeded to do.

As chairman, I made sure we scrutinized it from every angle. However, the challenge of getting accurate information from the CIA persisted. It was during this period that the House and Senate considered the 2008 Intelligence Authorization Act and a potential provision that set the Army Field Manual--which is the only way to go--as the standard for the entire American Government, including the CIA. This would have effectively ended the CIA's enhanced interrogation techniques, a term eerily sanitized in bureaucratic jargon for what, in a number of cases, amounted to torture.

As chairman, I knew the inclusion of the Army Field Manual provision would jeopardize the entire bill. I thought it might bring it down. People would think it was too soft or too radical or whatever, but I was committed to seeing the bill signed into law. In the end, it was an easy decision.

I supported including the provision to end the CIA's program because it was the right thing to do. I did it because Congress needed to send a clear signal that it did not stand by the Bush administration's policy.

The House and Senate went on to pass the bill with bipartisan votes. Although the Bush administration vetoed the bill to

preserve its ability to continue these practices, it was an important symbolic moment.

In the same period, I also sent two committee staffers, as our chairwoman has indicated, to begin reviewing cables at the CIA regarding the agency's interrogations of Abu Zubaydah and al-Nashiri. I firmly believed we had to review those cables, which are now the only source of important historical information on this subject, because the CIA destroyed its tapes of some of their interrogation sessions. The CIA destroyed those tapes against the explicit direction from the White House and the Director of National Intelligence.

The investigation that began in 2007 grew under Chairman *Feinstein's* dedication and tremendous leadership into a full study of the CIA's detention and interrogation program. The more the committee dug, the more the committee found, and the results we uncovered are both shocking and deeply troubling.

First, the detention and interrogation program was conceived by people who were ignorant of the topic and made it up on the fly based on the untested theories of contractors who had never met a terrorist or conducted a real-world interrogation of any kind.

Second, it was executed by personnel with insufficient linguistic and interrogation training and little, if any, real-world experience.

Moreover, the CIA was aware that some of these personnel had a staggering array of personal and professional failings--enumerated by the committee's chairman--including potentially criminal activity, that should have disqualified them immediately not only from being interrogators but from being employed by the CIA or anybody in government.

Nevertheless, it was consistently represented that these interrogators were professionalized and carefully vetted--their term--and that became a part of the hollow legal justification of the entire program.

Third, the program was managed incompetently by senior officials who paid little or no attention to critical details.

It was rife with troubling personal and financial conflicts of interest among the small group of the CIA officials and contractors who promoted and defended it. Obviously it was in their interest to do so.

Fourth, as the chairman indicated, the program was physically very severe, far more so than any of us outside the CIA ever knew. Although waterboarding has received the most attention, there were other techniques I personally believe--one in particular--that may have been much worse.

Finally, its results were unclear at best, but it was presented to the White House, the Department of Justice, the Congress, and the media as a silver bullet that was indispensable to saving lives. That was their mantra. In fact, it did not provide the intelligence it was supposed to provide or the CIA argued that it did provide.

To be perfectly clear, these harsh techniques were not approved by anyone ever for the low-bar standard of learning useful information from detainees. These techniques were approved because the Bush officials were told, and therefore believed, that these coercive interrogations were absolutely necessary to elicit intelligence that was unavailable by any other collection method and would save American lives. That was simply not the case.

For me, personally, the arc of this story comprises more than a decade of my 30 years of work in the Senate and one of the hardest fights--I think the hardest fight--I have ever been through. Many of the worst years were during the Bush administration.

However, I did not fully anticipate how hard these last few years would be in this administration to get this summary declassified and to tell the full story of what happened. Indeed, to my great frustration, even after months of endless negotiations, significant aspects of the story remain obscured by black ink.

I have great admiration for the President, and I am appreciative of the leadership role he has taken to depart from the practices of the Bush administration on these issues. His Executive order formally ended the CIA's detention program practices, and that is a good example. It is a great example.

It was, therefore, with deep disappointment that over the course of a number of private meetings and conversations I came to feel that the White House's strong deference to the CIA throughout this process has at times worked at cross-purposes with the White House's stated interest in transparency and has muddled what should be a clear and unequivocal legacy on this issue.

While aspiring to be the most transparent administration in history, this White House continues to quietly withhold from the committee more than 9,000 documents related to the CIA's programs. I don't know why. They won't say, and they won't produce.

In addition to strongly supporting the CIA's insistence on the unprecedented redaction of fake names in the report, which obscures the public's ability to understand the important connections which are so important for weaving together the tapestry, the administration also pushed for the redaction of information in the committee's study that should not be classified, contradicting the administration's own Executive order on classification.

Let me be clear.

That order clearly states that in no case shall information fail to be declassified in order to conceal violations of law and efficiency or administrative error or prevent embarrassment to a person, organization, or agency.

In some instances, the White House asked not only that information be redacted but that the redaction itself be removed so it would be impossible for the reader to tell that something was already hidden. Strange.

Given this, looking back, I am deeply disappointed, rather than surprised, that even when the CIA inexplicably conducted an unauthorized search of the committee's computer files and emails at an offsite facility, which was potentially criminal, and even when it became clear that the intent of the search was to suppress the committee's awareness of an internal CIA review that corroborated parts of the intelligence committee's study and contradicted public CIA statements, the White House continued to support the CIA leadership, and that support was unflinching.

Despite these frustrations, I have also seen how hard Chairman *Feinstein* has fought against great odds, stubborn odds, protective odds, mysterious odds, which are not really clear to me. I have tried to support her thoughtful and determined efforts at every opportunity to make sure as much as of the story can be

told as possible, and I am deeply proud of the product the committee ended up with.

Now it is time to move forward. For all of the misinformation, incompetence, and brutality of the CIA's program, the committee's study is not and must not be simply a backward-looking condemnation of the past. The study presents a tremendous opportunity to develop forward-looking lessons that must be central to all future activities.

The point has been made--I thoroughly agree--that the vast majority of people who work at the CIA--and there are tens and tens of thousands of them--do very good work and are working very hard and have absolutely nothing to do with any of this. But if this report had not been released, the country would have felt that everybody at the CIA--and the world would have felt it--was involved in this program. It is important to say that that was not the case. It was just 30 or 40 people at the top. Many of the people you see on television blasting this report were intimately involved in carrying it out and setting it up.

The CIA developed the detention program in a time of great fear, anxiety, and unprecedented crisis. It is at these times of crisis when we need sound judgment, excellence, and professionalism from the CIA the most.

When mistakes are made, they call for self-reflection and scrutiny. For that process to begin, we first have to make sure there is an absolutely accurate public record of what happened. We are doing that. The public release of the executive summary and findings and conclusions is a tremendous and consequential step toward that end.

For some, I expect there will be the temptation to reject and cast doubt, to trivialize, to attack or rationalize parts of the study that are disturbing or are embarrassing. Indeed, the CIA program's dramatic divergence from the standards that we hold ourselves to is hard to reconcile. However, we must fight that shortsighted temptation to wish away the gravity of what this study found.

How we deal with this opportunity to learn and improve will reflect on the maturity of our democracy. As a country, we are strong enough to bear the weight of the mistakes we have made. As an institution, so is the Central Intelligence Agency. We must confront this dark period in our recent history with honesty and critical introspection. We must draw lessons, and we must apply those lessons as we move forward. Although it may be uncomfortable at times, ultimately we will grow stronger, and we will ensure that this never happens again.

Senator Lindsey Graham

Thank you very much. I have been a military lawyer for over 30 years. That has been one of the highlights of my life--to serve in the Air Force. During the debate about these techniques, I was very proud of the fact that every military lawyer came out on the side that the techniques in question were not who we are and what we want to be.

We are one of the leading voices of the Geneva Convention. We have stood by the Geneva Convention since its inception. I am convinced that the techniques in question violate the Geneva Convention. I am also convinced that they were motivated by fear, fear of another attack. Put yourself in the shoes of the people responsible for defending the country right after 9/11. We had been hit. We had been hit hard. Everybody thought something else was coming.

As we rounded these guys up, there was a sense of urgency and a commitment to never let it happen again that generated this program.



Senator Lindsey Graham (R-SC) was elected to the United States Senate in 2002. Notably, he was a prisoner of war in Vietnam from 1967-1973.

Who knew what, when? I do not know. All I can tell you is the people involved believed they were trying to defend the country and what they were doing was necessary. Did they get some good information? Probably so. Has it been a net loser for us as a country? Absolutely so. All I can say is the techniques in question were motivated by fear of another attack, and people at the time thought this was the best way to defend the Nation. I accept that on their part.

But as a nation, I hope we have learned the following: In this ideological struggle, good versus evil, we need to choose good. There is no shortage of people who will cut your head off. The techniques in question are nowhere near what the enemies of this Nation and radical Islam would do to people under their control. There is no comparison.

The comparison is between who we are and what we want to be. In that regard, we made a mistake. No one is going to jail because they should not, because the laws in question--the laws that existed at the time of this program--were, to be generous, vague.

I spent about a year of my life with Senator *McCain* working with the Bush administration and colleagues on the Democratic side to come up with the Detainee Treatment Act which clearly puts people on notice of what you can and cannot do. Going forward we fixed this problem. How do I know it is a problem? I travel. I

go to the Mideast a lot. I go all over the world. It was a problem for us. Whether we like it or not, we are seen as the good guys. I like it.

Sometimes good people make mistakes. We have corrected the problem. We have interrogation techniques now that I think can protect the Nation and are within our values. The one thing I want to stress to my colleagues is that this is a war of an ideological nature. There will be no capital to conquer. We are not going to take Tokyo. We are not going to take Berlin. There is no air force to shoot down; there is no navy to sink. You are fighting a radical extreme ideology that is motivated by hate. In their world, if you do not agree with their religion, you are no longer a human being.

The only way we can possibly defeat this ideology is to offer something better. The good news for us is that we stand for something better. We stand for due process. We stand for humane treatment. We stand for the ability to have a say when you are accused of something. Our enemies stand for none of that. That is their greatest weakness. Our greatest strength is to offer a better way.

When you go to Anbar Province and you go to other places in the Mideast that have experienced life under ISIS--ISIL--and Al Qaeda, the reaction has almost been universal: We do not like

this. When America comes over the hill, and they see that flag, they know help is on the way.

To the CIA officers who serve in the shadows, who intermingle with the most notorious in the world, who are always away from home never knowing if you are going back: Thank you. There is a debate about whether this report is accurate line by line. I do not know. Is this the definitive answer to the program's problems? I do not know, but I do know the program hurt our country.

Those days are behind us. The good guys air their dirty laundry. I wished we had waited because the world is in such a volatile shape right now. I do fear this report will be used by our enemies. But I guess there is no good time to do things like this.

So to those who helped prepare the report, I understand where you are coming from. To those on my side who believe that we have gone too far, I understand that too. But this has always been easy for me. I have been too associated with the subject matter for too long. Every time our Nation cuts a corner, and every time we act out of fear and abandon who we are, we always regret it. That has happened forever. This is a step toward righting a wrong. To our enemies: Take no comfort from the fact that we have changed our program. We are committed to your demise. We are committed to your incarceration and killing you on the battlefield, if necessary.

To our friends, because we choose a different path, do not mistake that for weakness. What we are doing today is not a sign of weakness. It is a sign of the ultimate strength--that you can self correct, that you can reevaluate and you can do some soul searching, and you can come out with a better product. The tools available to our intelligence community today over time will yield better results, more reliable results. The example we are setting will, over time, change the world.

To defeat radical Islam you have to show separation. Today is a commitment to show separation. The techniques they employ to impose their will have been used for thousands of years. They are always, over time, rejected. The values we stand for--tolerance, humane treatment of everyone; whether you agree with them or not--have also stood the test of time. Over time, we will win, and they will lose. Today is about making that time period shorter. The sooner America can reattach itself to who she is, the worse off the enemy will be.

Senator Mark Udall

Madam President, before I start my remarks on the historic day which was yesterday--when it comes to the publication of our long-in-the-making report on the CIA's torture program--I wish to thank the chairman for his leadership, his mentorship, and his friendship. I also am proud obviously to be a part of the Armed Services Committee and to have chaired the Strategic Forces Subcommittee.

Again, I extend my thanks to the good men and women in uniform, as did my good friend from Oklahoma. The NDAA bill is a crucial task in front of us. I look forward to one of my last votes as a Senator from the great State of Colorado, and I look forward to casting a vote in favor of the Defense authorization bill.

Again, I wish to thank my two friends who have mentored me and who have led our committee with great elan and intelligence.

Yesterday was a historic day. Almost 6 years after the Senate Intelligence Committee voted to conduct a study of the CIA's



Senator Mark Udall (D-CO) was elected to the United States Senate in 2008 and served on the Senate Select Committee on Intelligence.

detention and interrogation program and nearly 2 years after approving the report, the American people will finally know the truth about a very dark chapter in our Nation's history.

My goal from the start has been twofold. First, I have been committed to correcting the public record on the CIA's multiple misrepresentations to the American people, to other agencies in the executive branch, the White House, and to Congress. Second, my goal has been to ensure that the full truth comes out about this grim time in the history of the CIA and of our Nation so that neither the CIA nor any future administration repeats the grievous mistakes this important oversight work reveals.

The process of compiling, drafting, redacting, and now releasing this report has been much harder than it needed to be. It brings no one joy to discuss the CIA's brutal and appalling use of torture or the unprecedented actions that some in the intelligence community and administration have taken in order to cover up the truth.

A number of my colleagues who have come to the floor over the past 24 hours and discussed this report have referred to 9/11. I, too, will never forget the fear, the pain, and the anger we all felt on that day and in the days that followed. Americans were demanding action from our government to keep us safe.

Everyone, myself included, wanted to go to the ends of the Earth to hunt down the terrorists who attacked our Nation and to make

every effort to prevent another attack. Although we all shared that goal, this report reveals how the CIA crossed a line and took our country to a place where we violated our moral and legal obligations in the name of keeping us safe. As we know now, this was a false choice. Torture didn't keep us safer after all. By releasing the Intelligence Committee's landmark report, we reaffirm we are a nation that does not hide from its past but must learn from it and that an honest examination of our shortcomings is not a sign of weakness but the strength of our great Republic.

From the heavily redacted version of the executive summary first delivered to the committee by the CIA in August, we made significant progress in clearing away the thick, obfuscating fog these redactions represented.

As Chairwoman Feinstein has said, our committee chipped away at over 400 areas of disagreement with the administration on redactions down to just a few.

We didn't make all the progress we wanted to and the redaction process itself is filled with unwarranted and completely unnecessary obstacles. Unfortunately, at the end of the day, what began as a bipartisan effort on the committee did not end as such, even after my colleagues on the other side of the aisle were repeatedly urged to participate with us as partners.

As my friends in the Senate know, I am a legislator who goes out of his way to form bipartisan consensus. However, it became clear that was not possible here and that is regrettable.

But all told, after reviewing this final version of the committee's study, I believe it accomplishes the goals I laid out and it tells the story that needs to be told.

It also represents a significant and essential step for restoring faith in the crucial role of Congress to conduct oversight. Congressional oversight is important to all of government's activities, but it is especially important for those parts of the government that operate in secret, as the Church Committee discovered decades ago. The challenge the Church Committee members discovered are still with us today: how to ensure that secret government actions are conducted within the confines of the law. The release of this executive summary is testament to the power of oversight and the determination of Chairman Feinstein and the members of this committee to doggedly beat back obstacle after obstacle in order to reveal the truth.

There are a number of thank-yous that are in order. I start by thanking the chairman for her courage and persistence. I also thank the committee staff director, David Grannis; the staff lead for the study, Dan Jones; and his core study team, Evan Gottesman and Chad Tanner. They toiled for nearly 6 years to complete this report. They then shepherded it through the

redaction process, all the while giving up their nights, weekends, vacations, and precious time with family and friends in an effort to get to the truth of this secret program for the members of the committee, the Senate, and now the American people.

They have been assisted by other dedicated staff, including my designee on the committee, Jennifer Barrett. We would not be where we are today without them. I am grateful, beyond words, for their service and dedication. I want them to know our country is grateful too.

Let me turn to the study itself. Much has been written about the significance of the study. This is the study. It is a summary of the CIA's detention and interrogation program. I want to start by saying I believe the vast majority of CIA officers welcome oversight and believe in the checks and balances that form the very core of our Constitution.

I believe many rank-and-file CIA officers have fought internally for and supported the release of this report. Unfortunately, again and again, these hard-working public servants have been poorly served by the CIA's leadership. Too many CIA leaders and senior officials have fought to bury the truth while using a redaction pen to further hide this dark chapter of the Agency's history.

The document we released yesterday is the definitive, official history of what happened in the CIA's detention and interrogation

program. It is based on more than 6 million pages of CIA and other documents, emails, cables, and interviews. This 500-page study, this document, encapsulates the facts drawn from the 6,700-page report, which is backed up by 38,000 footnotes.

This is a documentary that tells of the program's history based on the CIA's own internal records. Its prose is dry and spare, as you will soon see for yourself. It was put together methodically, without exaggeration or embellishment. This study by itself--using the CIA's own words--brings the truth to light, and that is what it was intended to do.

The study looked carefully at the CIA's own claims--most notably that the so-called enhanced interrogation techniques used on detainees elicited unique, otherwise unobtainable intelligence that disrupted terrorist plots and saved lives. It debunks those claims conclusively.

The CIA repeatedly claimed that using these enhanced interrogation techniques against detainees was the only way to yield critical information about terrorist plotting. But when asked to describe this critical information and detail which plots were thwarted, the CIA provided exaggerated versions of plots and misattributed information that was obtained from traditional intelligence collection, claiming it came from the use of interrogation techniques that are clearly torture.

This study shows that torture was not effective, that it led to fabricated information, and its use--even in secret--undermined our security and our country more broadly. Our use of torture and I believe the failure to truly acknowledge it continues to impair America's moral leadership and influence around the world, creates distrust among our partners, puts Americans abroad in danger, and helps our enemies' recruitment efforts.

Senior CIA leaders would have you believe their version of the truth--promoted in CIA-cleared memoirs by former CIA Directors and other CIA and White House officials--that while there was some excesses in its detention and interrogation program, the CIA did not torture. Their version would have you believe that the CIA's program was professionally conducted, employing trained interrogators to use so-called enhanced interrogation techniques on only the most hardened and dangerous terrorists.

But as Professor Darius Rejali writes in his book "Torture and Democracy," "To think professionalism is a guard against causing excessive pain is an illusion. Instead, torture breaks down professionalism" and corrupts the organizations that use it.

This is exactly what happened with the CIA's detention and interrogation program. Without proper acknowledgement of these truths by the CIA and the White House, it could well happen again.

In light of the President's early Executive order disavowing torture, his own recent acknowledgement that "we tortured some folks" and the Assistant Secretary of State Malinowski's statements last month to the U.N. Committee Against Torture that "we hope to lead by example" in correcting our mistakes, one would think this administration is leading the efforts to right the wrongs of the past and ensure the American people learn the truth about the CIA's torture program. Not so.

In fact, it has been nearly a 6-year struggle--in a Democratic administration no less--to get this study out. Why has it been so hard for this document to finally see the light of day? Why have we had to fight tooth and nail every step of the way? The answer is simple: Because the study says things that former and current CIA and other government officials don't want the American public to know. For a while I worried that this administration would succeed in keeping this study entirely under wraps.

While the study clearly shows that the CIA's detention and interrogation program itself was deeply flawed, the deeper, more endemic problem lies in the CIA, assisted by a White House that continues to try to cover up the truth. It is this deeper problem that illustrates the challenge we face today: reforming an agency that refuses to even acknowledge what it has done. This is a continuing challenge that the CIA's oversight committees need to take on in a bipartisan way. Those who criticize the committee's

study for overly focusing on the past should understand that its findings directly relate to how the CIA operates today.

For an example of how the CIA has repeated its same past mistakes in more recent years, look at the section of the executive summary released yesterday that deals with the intelligence on the courier that led to Osama bin Laden. That operation took place under this administration in May of 2011. After it was over, the CIA coordinated to provide misinformation to the White House and its oversight committees suggesting the CIA torture program was the tipoff information for the courier. That is 100 percent wrong and signifies the Agency leadership's persistent and entrenched culture of misrepresenting the truth to Congress and the American people. This example also illustrates again the dangers of not reckoning with the past. So while I agree with my colleagues on the committee who argue that doing oversight in real time is critical, I believe we cannot turn a blind eye to the past when the same problems are staring us in the face in the present. Oversight by willful ignorance is not oversight at all.

In Chairman Feinstein's landmark floor speech earlier this year, she laid out how the CIA pushed back on our committee's oversight efforts. Thanks to her speech, we know about the history of the CIA's destruction of interrogation videotapes and about what motivated her and her colleagues to begin the

broader committee study in 2009. We know about the CIA's insistence on providing documents to the committee in a CIA-leased facility and the millions of dollars the CIA spent on contractors hired to read, multiple times, each of the 6 million pages of documents produced before providing them to the committee staff. We know about the nearly 1,000 documents that the CIA electronically removed from the committee's dedicated database on two occasions in 2010, which the CIA claimed its personnel did at the direction of the White House. Of course we know about the Panetta review.

I turn to the Panetta review. I have provided more information on the events that led up to the revelation included in the Panetta review in a set of additional views that I submitted for the committee's executive summary, but I will summarize them.

From the beginning of his term as CIA Director, John Brennan was openly hostile toward and dismissive of the committee's oversight and its efforts to review the detention and interrogation program. During his confirmation hearing, I obtained a promise from John Brennan that he would meet with committee staff on the study once confirmed. After his confirmation, he changed his mind.

In December 2012, when the classified study was approved in a bipartisan vote, the committee asked the White House to coordinate any executive branch comments prior to

declassification. The White House provided no comment. Instead, the CIA responded for the executive branch nearly 7 months later, on June 27, 2013.

The CIA's formal response to the study under Director Brennan clings to false narratives about the CIA's effectiveness when it comes to the CIA's detention and interrogation program. It includes many factual inaccuracies, defends the use of torture, and attacks the committee's oversight and findings. I believe its flippant and dismissive tone represents the CIA's approach to oversight--and the White House's willingness to let the CIA do whatever it likes--even if its efforts are aimed at actively undermining the President's stated policies.

It would be a significant disservice to let the Brennan response speak for the CIA. Thankfully, it does not have to. There are some CIA officials and officers willing to tell it straight. In late 2013, then-CIA General Counsel Stephen Preston answered a series of questions that I asked about his thoughts on the Brennan response as part of his Armed Services Committee nomination hearing to be General Counsel of the Defense Department.

His answers to the questions about the program contrasted sharply with the Brennan response. For instance, he stated matter of factly that from his review of the facts, the CIA provided the committee with inaccurate information regarding the

detention and interrogation program. I have posted on line my questions to Mr. Preston, along with his answers.

Stephen Preston was not alone in having the moral courage to speak frankly and truthfully about the CIA's torture program. There were also other CIA officers willing to document the truth. In March 2009, then-CIA Director Leon Panetta announced the formation of a Director's review group to look at the agency's detention and interrogation program. As he stated at the time, "The safety of the American people depends on our ability to learn lessons from the past while staying focused on the threats of today and tomorrow."

The Director's review group looked at the same CIA documents that were being provided to our committee. They produced a series of documents that became the Panetta review. As I discussed in late 2013, the Panetta review corroborates many of the significant findings of the committee's study. Moreover, the Panetta review frankly acknowledges significant problems and errors made in the CIA's detention and interrogation program. Many of these same errors are denied or minimized in the Brennan response.

As Chairman Feinstein so eloquently outlined in her floor speech on March 11 of this year, drafts of the Panetta review have been provided by the CIA unknowingly to our committee staff years before within the 6 million pages of documents it had provided.

So when the committee received the Brennan response, I expected a recognition of errors and a clear plan to ensure that the mistakes identified would not be repeated again. Instead--this is a crucial point--instead, the CIA continued not only to defend the program and deny any wrongdoing but also to deny its own conclusions to the contrary found in the Panetta review.

In light of those clear factual disparities between the Brennan response and the Panetta review, committee staff grew concerned that the CIA was knowingly providing inaccurate information to the committee in the present day, which is a serious offense, and a deeply troubling matter for the committee, the Congress, the White House, and our country.

The Panetta review was evidence of that potential offense. So to preserve that evidence, committee staff securely transported a printed portion of the Panetta review from the CIA-leased facility to the committee's secure offices in the Senate. This was the proper and right thing to do, not only because of the seriousness of the potential crime, but also in light of the fact that the CIA had previously destroyed interrogation videotapes without authorization and over objections of officials in the Bush White House.

In my view, the Panetta review is a smoking gun. It raises fundamental questions about why a review the CIA conducted internally years ago and never provided to the committee is so

different from the official Brennan response and so different from the public statements of former CIA officials. That is why I asked for a complete copy of the Panetta review at a December 2013 Intelligence Committee hearing.

Although the committee now has a portion of the review already in its possession, I believed then, as I do now, that it is important to make public its existence and to obtain a full copy of the report. That is why I am here today, to disclose some of its key findings and conclusions on the Senate floor for the public record, which fly directly in the face of claims made by senior CIA officials past and present.

For example, as I mentioned earlier, on a number of key matters, the Panetta review directly refutes information in the Brennan response. In the few instances in which the Brennan response acknowledges imprecision or mischaracterization relative to the detention interrogation program, the Panetta review is refreshingly free of excuses, qualifications, or caveats.

The Panetta review found that the CIA repeatedly provided inaccurate information to the Congress, the President, and the public on the efficacy of its coercive techniques. The Brennan response, in contrast, continues to insist the CIA's interrogations produced unique intelligence that saved lives. Yet the Panetta review identified dozens of documents that include inaccurate information used to justify the use of torture and indicates that

the inaccuracies it identifies do not represent an exhaustive list. The Panetta review further describes how detainees provided intelligence prior to the use of torture against them.

It describes how the CIA, contrary to its own representations, often tortured detainees before trying any other approach. It describes how the CIA tortured detainees, even when less coercive methods were yielding intelligence. The Panetta review further identifies cases in which the CIA used coercive techniques when it had no basis for determining whether a detainee had critical intelligence at all.

In other words, CIA personnel tortured detainees to confirm they did not have intelligence, not because they thought they did. Again, while a small portion of this review is preserved in our committee spaces, I have requested the full document. Our request has been denied by Director Brennan. I will tell you, the Panetta review is much more than a "summary" and "incomplete drafts," which is the way Mr. Brennan and former CIA officials have characterized it, in order to minimize its significance. I have reviewed this document. It is as significant and relevant as it gets.

The refusal to provide the full Panetta review and the refusal to acknowledge facts detailed in both the committee study and the Panetta review lead to one disturbing finding: Director Brennan and the CIA today are continuing to willfully provide inaccurate

information and misrepresent the efficacy of torture. In other words, the CIA is lying. This is not a problem of the past but a problem that needs to be dealt with today.

Let me turn to the search of the Intelligence Committee's computers. Clearly the present leadership of the CIA agrees with me that the Panetta review is a smoking gun. That is the only explanation for the CIA's unauthorized search of the committee's dedicated computers in January. The CIA 's illegal search was conducted out of concern that the committee staff was provided with the Panetta review. It demonstrates how far the CIA will go to keep its secrets safe. Instead of asking the committee if it had access to the Panetta review, the CIA searched, without authorization or notification, the committee computers that the agency had agreed were off limits.

In so doing, the agency might have violated multiple provisions of the Constitution as well as Federal criminal statutes and Executive Order 12333.

More troubling, despite admitting behind closed doors to the committee that the CIA conducted the search, Director Brennan publicly referred to "spurious allegations about CIA actions that are wholly unsupported by the facts."

He even said such allegations of computer hacking were beyond "the scope of reason." The CIA then made a criminal referral to

the Department of Justice against the committee staff who were working on the study. Chairman Feinstein believed these actions were an effort to intimidate the committee staff, the very staff charged with CIA oversight. I strongly agree with her point of view.

The CIA's inspector general subsequently opened an investigation into the CIA's unauthorized search and found, contrary to Director Brennan's public protestations, that a number of CIA employees did, in fact, improperly access the committee's dedicated computers. The investigation found no basis for the criminal referral on the committee staff. The IG also found that the CIA personnel involved demonstrated a "lack of candor" about their activities to the inspector general.

However, only a 1-page unclassified summary of the IG's report is publicly available. The longer classified version was only provided briefly to Members when it was first released. I had to push hard to get the CIA to provide a copy for the committee to keep in its own records. Even the copy in committee records is restricted to committee members and only two staff members, not including my staff member.

After having reviewed the IG report myself again recently, I believe even more strongly that the full report should be declassified and publicly released, in part because Director

Brennan still refuses to answer the committee's questions about the search.

In March, the committee voted unanimously to request responses from Director Brennan about the computer search. The chairman and vice chairman wrote a letter to Director Brennan, who promised a thorough response to their questions after the Justice Department and CIA IG reviews were complete. The Chair and Vice Chair then wrote two more letters, to no avail. The Director has refused to answer any questions on this topic and has again deferred his answers, this time until after the CIA's internal accountability board review is completed, if it ever is.

So from March until December, for almost 9 months, Director Brennan has flat out refused to answer basic questions about the computer search; whether he suggested a search or approved it; if not, who did. He has refused to explain why the search was conducted, its legal basis, or whether he was even aware of the agreement between the committee and the CIA laying out protections of the committee's dedicated computer system. He has refused to say whether the computers were searched more than once, whether the CIA monitored committee staff at the CIA-leased facility, whether the agency ever entered the committee's secure room at the facility, and who at the CIA knew about the search both before and after it occurred.

I want to turn at this point to the White House. To date, there has been no accountability for the CIA's actions or for Director Brennan's failure of leadership. Despite the facts presented, the President has expressed full confidence in Director Brennan and demonstrated that trust by making no effort at all to rein him in.

The President stated it was not appropriate for him to weigh into these issues that exist between the committee and the CIA. As I said at the time, the committee should be able to do its oversight work consistent with our constitutional principle of the separation of powers, without the CIA posing impediments or obstacles as it has and as it continues to do today. For the White House not to have recognized this principle and the gravity of the CIA's actions deeply troubles me today and continues to trouble me.

Far from being a disinterested observer in the committee-CIA battles, the White House has played a central role from the start. If former CIA Director Panetta's memoir is to be believed, the President was unhappy about Director Panetta's initial agreement in 2009 to allow staff access to operation cables and other sensitive documents about the torture program.

Assuming its accuracy, Mr. Panetta's account describes then-Counterterrorism Adviser John Brennan and current Chief of Staff Denis McDonough--both of whom have been deeply involved in the study redaction process--as also deeply unhappy about this expanded oversight.

There are more questions that need answers about the role of the White House in the committee's study.

For example, there are the 9,400 documents that were withheld from the committee by the White House in the course of the review of the millions of documents, despite the fact that these documents are directly responsive to the committee's document request. The White House has never made a formal claim of executive privilege over the documents, yet it has failed to respond to the chairman's request to the documents or to compromise proposals she has offered to review a summary listing of them. When I asked CIA General Counsel Stephen Preston about the documents, he noted that "the Agency has deferred to the White House and has not been substantially involved in subsequent discussions about the disposition of these documents."

If the documents are privileged, the White House should assert that claim. But if they are not, White House officials need to explain why they pulled back documents that the CIA believed were relevant to the committee's investigation and responsive to our direct request.

The White House has not led on this issue in the manner we expected when we heard the President's campaign speeches in 2008 and read the Executive order he issued in January 2009. To CIA employees in April 2009, President Obama said:

What makes the United States special, and what makes you special, is precisely the fact that we are willing to uphold our values and ideals even when it's hard--not just when it's easy; even when we are afraid and under threat--not just when it's expedient to do so. That's what makes us different.

This tough, principled talk set an important tone from the beginning of his Presidency. However, let's fast forward to this year, after so much has come to light about the CIA's barbaric programs, and President Obama's response was that we "crossed a line" as a nation and that "hopefully, we don't do it again in the future."

That is not good enough. We need to be better than that. There can be no coverup. There can be no excuses. If there is no moral leadership from the White House helping the public to understand that the CIA's torture program wasn't necessary and didn't save lives or disrupt terrorist plots, then what is to stop the next White House and CIA Director from supporting torture.

Finally, the White House has not led on transparency, as then Senator Obama promised in 2007. He said then this:

We'll protect sources and methods, but we won't use sources and methods as pretexts to hide the truth. Our history doesn't belong to Washington, it belongs to America.

In 2009 consistent with this promise, President Obama issued Executive Order 13526, which clarified that information should be classified to protect sources and methods but not to obscure key facts or cover up embarrassing or illegal acts.

But actions speak louder than words. This administration, like so many before, has released information only when forced to by a leak or by a court order or by an oversight committee.

The redactions to the committee's executive summary on the CIA's detention and interrogation program have been a case study in its refusal to be open. Despite requests that both the chairman and I made for the White House alone to lead the declassification process, it was given by the White House to the CIA--the same Agency that is the focus of this report. Predictably, the redacted version that came back to the committee in August obscured key facts and undermined key findings and conclusions of the study.

The CIA also included unnecessary redactions to previously acknowledged and otherwise unclassified information. Why? Presumably, to make it more difficult for the public to understand the study's findings. Content that the CIA has attempted to redact includes information in the official, declassified report of the Senate Armed Services Committee, other executive branch declassified official documents, information in books and speeches delivered by former CIA officers who were approved by

the CIA's Publication Review Board, news articles, and other public reports.

It is true that through negotiations between the committee, the CIA, and the White House, many of these issues were resolved. However, at the end of the day, the White House and CIA would not agree to include any pseudonyms in the study to disguise the names of CIA officers. In 2009 the CIA and the committee had agreed to use CIA-provided pseudonyms for CIA officials, but in the summary's final version, the CIA insisted that even the pseudonyms should be redacted.

For an agency concerned about morale, this is the wrong approach to take, in my view. By making it less possible to follow a narrative thread throughout the summary, this approach effectively throws many CIA personnel under the bus. It tars all of the CIA personnel by making it appear that the CIA writ large was responsible for developing, implementing, and representing the truth about the CIA's detention and interrogation program. In fact, a small number of CIA officers were largely responsible.

Further, there is no question that the identities of undercover agents must be protected, but it is unprecedented for the CIA to demand--and the White House to agree--that every CIA officer's pseudonym in the study be blacked out. U.S. Government agencies have used pseudonyms to protect officers' identities in any number of past reports, including the 9/11 Commission

report, the investigation of the Abu Ghraib detention facility, and the report of the Iran-Contra affair.

We asked the CIA to identify any influences in the summary wherein a CIA official mentioned by pseudonym would result in the outing of any CIA undercover officer, and they could not provide any such examples.

Why do I focus on this? The CIA's insistence on blacking out even the fake names of its officers is problematic because the study is less readable and has lost some of its narrative thread.

But as the chairman has said, we will find ways to bridge that gap. The tougher problem to solve is how to ensure that this and future administrations follow President Obama's pledge not to use sources and methods as pretexts to hide the truth.

What needs to be done? Chairman Feinstein predicted in March--at the height of the frenzy over the CIA's spying on committee-dedicated computers--that "our oversight will prevail," and generally speaking, it has. Much of the truth is out, thanks to the chairman's persistence and the dedicated staff involved in this effort. It is, indeed, a historic event.

But there is still no accountability, and despite Director Brennan's pledges to me in January 2013, there is still no correction of the public record of the inaccurate information the CIA has spread for years and continues to stand behind. The CIA has lied to its

overseers and the public, destroyed and tried to hold back evidence, spied on the Senate, made false charges against our staff, and lied about torture and the results of torture. And no one has been held to account.

Torture just didn't happen, after all. Contrary to the President's recent statement, "we" didn't torture some folks. Real actual people engaged in torture. Some of these people are still employed by the CIA and the U.S. Government. There are, right now, people serving in high-level positions at the Agency who approved, directed or committed acts related to the CIA's detention and interrogation program. It is bad enough not to prosecute these officials, but to reward or promote them and risk the integrity of the U.S. Government to protect them is incomprehensible.

The President needs to purge his administration of high-level officials who were instrumental to the development and running of this program. He needs to force a cultural change at the CIA.

The President also should support legislation limiting interrogation to non-coercive techniques--to ensure that his own Executive order is codified and to prevent a future administration from developing its own torture program.

The President must ensure the Panetta review is declassified and publicly released.

The full 6,800-page study of the CIA's detention and interrogation program should be declassified and released.

There also needs to be accountability for the CIA spying on its oversight committee, and the CIA inspector general's report needs to be declassified and released to the public.

A key lesson I have learned from my experience with the study is the importance of the role of Congress in overseeing the intelligence community. It is always easier to accept what we are told at face value than it is to ask tough questions. If we rely on others to tell us what is behind their own curtain instead of taking a look for ourselves, we can't know for certain what is there.

This isn't at all to say that what the committee found in its study is a culture and behavior we should ascribe to all employees of the CIA or to the intelligence community. The intelligence community is made up of thousands of hard-working patriotic Americans. These women and men are consummate professionals who risk their lives every day to keep us safe and to provide their best assessments regardless of political and policy considerations.

But it is incumbent on government leaders--it is incumbent on us--to live up to the dedication of these employees and to make them proud of the institutions they work for. It gives me no pleasure to say this, but as I have said before, for Director Brennan that means resigning. For the next CIA director that

means immediately correcting the false record and instituting the necessary reforms to restore the CIA's reputation for integrity and analytical rigor.

The CIA cannot not be its best until it faces its serious and grievous mistakes of the detention and interrogation program. For President Obama, that means taking real action to live up to the pledges he made early in his Presidency.

Serving on the Senate Intelligence Committee for the past 4 years opened my eyes and gave me a much deeper appreciation of the importance of our role in the balancing of power in our great government. It also helped me understand that all Members of Congress, not only Intelligence Committee members, have an opportunity and an obligation to exercise their oversight powers.

Members who do not serve on the Intelligence Committee can ask to read classified documents, call for classified briefings, and submit classified questions.

This is my challenge today to the American people. Urge your Member of Congress to be engaged, to get classified briefings, and to help keep the intelligence community accountable. This is the only way that secret government and democracy can coexist.

We have so much to be proud of in our great Nation, and one of those matters of pride is our commitment to admit mistakes,

correct past actions, and move forward knowing that we are made stronger when we refuse to be bound by the past.

We have always been a forward-looking Nation, but to be so we must be mindful of our own history. That is what this study is all about. So I have no doubt that we will emerge from a dark episode with our democracy strengthened and our future made brighter.

It has been an honor to serve on this committee, and I will miss doing its important work more than I can say.

About This Publication

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This e-book was prepared by Daniel Schuman because I believe it is important that everyone have easy access to law and the policy-debates that inform lawmaking. Follow me [@danielschuman](#) or [danielschuman.com](#).